

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

In re:

GOTSPACE DATA EQUITY FUND, LLC,

Debtor

**Chapter 11
Case No. 22-10044-FJB**

**EMERGENCY MOTION TO CONVERT TO CHAPTER 7 AND TO CANCEL
EVIDENTIARY HEARING**

Now comes the Debtor, Gotspace Data Equity Fund, LLC (the “Debtor”) and hereby moves this court to convert this Chapter 11 proceeding to a Chapter 7 proceeding pursuant to 11 U.S.C. §1112 (a) and further requests that the evidentiary hearing presently scheduled for Thursday, April 28, 2022 at 9:30 a.m. on the U.S. Trustee’s Second Motion to Convert Debtors’ Chapter 11 Cases to Chapter 7 be cancelled. In support thereof, the Debtor states as follows:

1. On January 14, 2022, Gotspace Data Equity Fund, LLC filed a petition for relief under Chapter 11 of the Bankruptcy Code with case number 22-10044-FJB.
2. On March 9, 2022, the U.S. Trustee filed a Second Motion to Convert Debtor’s Chapter 11 Case to Chapter 7 (the “Motion”), stating that the case should be converted for “cause” pursuant to 11 U.S.C. § 1112(b)(4).
3. A non-evidentiary hearing was held on April 5, 2022 on the Motion before this Court.
4. On April 6, 2022, this Court issued an Order on the Motion that: 1) cause exists to convert the case to one under Chapter 7; and 2) scheduling a further evidentiary hearing for April 19, 2022 at 1 pm as to whether 11 U.S.C. § 1112(b)(2)(A) and (B) apply to the present case.

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5. The April 19, 2022 evidentiary hearing was subsequently continued by agreement to April 28, 2022 at 9:30 am.
6. On April 22, 2022, the United States Trustee filed an Assented-to Motion to Approve Stipulation on its Motion to Convert that would have resulted in dismissal of the present case. The Debtor assented to the relief requested.
7. On April 26, 2022, creditors Stephen Quillinan, Jacob L. Spitalny, and Samuel B. Spitalny (“objecting creditors”) filed an objection to the Motion to Approve Stipulation.
8. A hearing was held on the Motion to Approve Stipulation on April 27, 2022, and this Court continued the Motion to Approve Stipulation to April 28, 2022 and ordered that the evidentiary hearing on the United States Trustee’s Motion to Convert would move forward as scheduled on April 28, 2022.
9. The Debtor now seeks to convert this Chapter 11 proceeding to a Chapter 7 proceeding under 11 U.S.C. § 1112 (a).

Request for Emergency Determination

1. The Debtor incorporates Paragraphs 1-9 as if stated herein.
2. Based upon the short timeframe between today’s hearing, and tomorrow’s scheduled evidentiary hearing an emergency determination on the present Motion is required.
3. Pursuant to MLBR 9013-1(g)(1)(C), Counsel for the Debtor states that he has discussed the present Motion with both Sean Milligan, counsel for the objecting creditors and Eric Bradford of the U.S. Trustee’s Office and they both assent to this motion.

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Wherefore the Debtor requests that the Court allow the Debtor's Motion to Convert to Chapter 7 and cancel the evidentiary hearing presently scheduled for April 28, 2022 at 9:30 am on the United States Trustee's Second Motion to Convert, grant the Debtor's request for emergency determination, and for such other and further relief as this court deems just.

Respectfully submitted,
Gotspace Data Equity Fund, LLC

/s/Gary M. Weiner, Esq.

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Date: April 27, 2022

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CERTIFICATE OF SERVICE

I, Gary M. Weiner, Esq., do hereby certify that on April 27, 2022, I served a copy of the Motion to Convert to Chapter 7 and cancel evidentiary hearing with Request for Emergency Determination upon the following parties via electronic filing and or first class mail to the following:

Via ECF:

Eric K. Bradford, U.S. Trustee's Office, Eric.K.Bradford@usdoj.gov;
USTPRegion1.WO.ECF@USDOJ.GOV

David J. Reier on behalf of Raymond C. Green, Inc., david.reier@arentfox.com

Sean W. Gilligan on behalf of Samuel B. Spitalny, Jacob L. Spitalny, Stephen Quillinan and S&Q Data LLC, sean.gilligan@gesmer.com; kevin.peters@gesmer.com;
Michael.brier@gesmer.com; lauren.haskins@gesmer.com

All other parties requesting electronic notice.

/s/ Gary M. Weiner, Esq.

Gary M. Weiner, Esq.